

REMARKS

Reconsideration of the captioned application as amended herewith is respectfully requested.

This Response is filed concurrently with a Petition for a Two (2) Month Extension, which would extend the period of response from 13 October 2007 to 13 December 2007.

The Office Action:

(1) Requested compliance with preferred specification guidelines and required ““(n)ew application papers with lines 1 ½ or double spaced;”

(2) Provisionally rejected claims 1, 2, 4, 6 – 11, and 13 on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 3, 5 – 7, 11, and 12 of copending application No. 10/579,850; and

(3) Rejected claims 1 – 6, 8, 10, and 13 under 35 USC 103(a) as being unpatentable over United States Patent No. 7,214,847 to Flick (“Flick”) in view of United States Patent No. 6,565, 878 to Schoenfeldt, et al. (“Schoenfeldt”).

Claim 1 was clarified in order to highlight the patentable feature that the material “compris[es] a complex of an oxidized cellulose with silver.” Support for this amendment may be found in the Specification as originally filed at, for example, page 2, lines 14 – 17 and 19 – 27. Claims 5, 9, and 13 were similarly amended.

New claim 16 was added to highlight that the “wound dressing material of claim 1... further comprises collagen.” Support for this claim language may be found in the Specification at, for example, page 5, lines 24 - 25.

New claim 17 was added to highlight that the “material comprises a mixture of collagen and oxidized regenerated cellulose in the weight ratio of 60:40 to 40:60.” Support for this claim language may be found in the Specification at, for example, page 6, lines 25 - 28.

New claim 18 was added to highlight that the “the material is a freeze-dried sponge.” Support for this claim language may be found in the Specification at, for example, page 6, lines 25 – 27.

As requested by the Office Action, the Specification was amended herein to comply with the guidelines regarding Arrangement of the Specification. Also attached please find “new application papers with lines 1 1/2 or double spaced” as requested in the Office Action. The amendments made to the Specification herein are based upon the pagination of these new application papers.

At the current time, Applicants respectfully believe that the obviousness-type double patenting rejection is moot as the subject matter of co-pending application Serial No.: U.S.O.S.N. 10/579,850 has not issued into a patent.

**I. The rejection of claims 1 – 6, 8, 10, and 13 under 35 USC §103(a)
as being unpatentable over Flick in view of Schoenfeldt should be withdrawn.**

Claims 1 – 6, 8, 10, and 13 stand rejected under 35 USC §103(a), as being allegedly unpatentable over Flick in view of Schoenfeldt. Applicants respectfully disagree for the reasons that follow.

In view of the cancellation of claims 2, 3, 4 herein, Applicants respectfully submit that the rejection as applied to these claims should be withdrawn.

Claim 1, as clarified herein, sets forth that the “wound dressing material compris[es] a complex of an oxidized cellulose with silver.” Applicants respectfully submit that the Office Action has failed to show where either Flick or Schoenfeldt disclose or suggest the use of oxidized cellulose.

Therefore, even if one were to combine all of the cited prior art as proposed in the Office Action, the resulting combination would still lack the particular claimed oxidized cellulose in the wound dressing material. Therefore, Applicants respectfully submit that that the rejection of claims 1, 5, 6, 8, 10 and 13 under 35 USC §103 as being unpatentable over Flick in view of Schoenfeldt has been overcome and should be withdrawn.

Conclusion

It is submitted that the foregoing remarks place the case in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully submitted,
Cullen, et al.

By: /Michele G. Mangini/
Michele G. Mangini
Reg. No. 36,806
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1596
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Attachment:

- (1) Petition for Two Month Extension of Time to File Response
- (2) New application papers